

Message Text

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ACTION IO-14

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E.O. 11652: N/A
TAGS: UNHRC, SHUM
SUBJECT: 34TH HUMAN RIGHTS COMMISSION--AGENDA ITEM 11,
FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS

REF: 1. STATE 59067, 2. GENEVA 3677

1. THE COMMISSION COMPLETED CONSIDERATION OF AGENDA ITEM 11 ON MARCH 8 BY ADOPTING A RESOLUTION CALLING FOR ESTABLISHMENT OF A ONE WEEK OPEN-ENDED WORKING GROUP TO MEET PRIOR TO THE NEXT SESSION OF THE HUMAN RIGHTS COMMISSION TO CONTINUE WORK ON THE OVERALL ANALYSIS UNDER RESOLUTION 32/130. ALL PROPOSALS TABLED AND IDEAS RAISED DURING THE DEBATE ON AGENDA ITEM 11, SUCH AS THE HIGH COMMISSIONER, AND THE PROPOSAL FOR TWO ANNUAL SESSIONS OF THE COMMISSION, WILL BE FORWARDED TO THE WORKING GROUP. INDIAN AND NIGERIAN PROPOSALS FOR NATIONAL AND REGIONAL MACHINERY WAS REPORTED REFTEL 2.

2. IN ACCORDANCE WITH INSTRUCTIONS REFTEL 1, USDEL DRAFTED A PROPOSAL RECOMMENDING THAT ECOSOC REQUEST THE GA TO DISCUSS THE HIGH COMMISSIONER PROPOSAL AT ITS 33RD
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SESSION. THE REACTION OF THE WESTERN GROUP MEMBERS TO THIS PROPOSAL WAS ENTIRELY NEGATIVE. THE MAJORITY ARGUED THAT THE PROPOSAL WOULD NOT SUCCEED AS OVER HALF THE COMMISSION MEMBERS REMAIN OPPOSED TO THE HIGH COMMISSIONER PROPOSAL, AND THAT TABLING SUCH A DRAFT WOULD CONSTITUTE A CONFRONTATION WITH THE EASTERN EUROPEAN GROUP AND PROBABLY LEAD TO A CALL FOR A VOTE ON THE CUBAN, BULGARIAN,

POLISH DRAFT WHICH CONTAINS SERIOUS IMPLICATIONS FOR THE MANDATE AND FUTURE WORK ON THE HUMAN RIGHTS COMMISSION. THEY ALSO ARGUED THAT IF THE U.S. PROPOSAL FAILED, THE OPPONENTS OF THE HIGH COMMISSIONER IDEA COULD ARGUE THAT THE HIGH COMMISSIONER IDEA HAD BEEN REJECTED BY THE COMMISSION AND ANY FUTURE ACTION ON THE PROPOSAL WOULD BE EXTREMELY DIFFICULT.

3. USDEL CONCLUDED THAT, GIVEN THE WESTERN OPPOSITION TO A MOVE WHICH MIGHT ENDANGER THE FUTURE STATUS OF THE HIGH COMMISSIONER PROPOSAL, WE SHOULD AT LEAST SEEK TO INCLUDE IN THE RESOLUTION ON THE OVERALL ANALYSIS LANGUAGE MAKING CLEAR THAT REFERRAL OF IDEAS AND PROPOSALS TO THE WORKING GROUP ON THE OVERALL ANALYSIS WOULD NOT PRECLUDE CONSIDERATION OF THESE PROPOSALS AT ANY TIME BY EITHER THE ECOSOC OR THE GENERAL ASSEMBLY.

4. FOLLOWING INTRODUCTION OF THE RESOLUTION ON THE OVERALL ANALYSIS (TRANSMITTED AS THE LAST PARAGRAPH) USDEL TABLED AN AMENDMENT CONTAINING LANGUAGE ALONG LINES OF PARA. THREE ABOVE. THIS AMENDMENT SERVED USEFUL PURPOSE OF SPARKING DEBATE ON THE ISSUE OF WHETHER OR NOT ECOSOC OR THE GA WERE PRECLUDED FROM TAKING ACTION ON THE PROPOSALS BEING CONSIDERED IN THE OVERALL ANALYSIS. THE UNANIMOUS OPINION OF THOSE PARTICIPATING IN THE DEBATE, WHICH INCLUDED THE USSR, WAS THAT NEITHER LIMITED OFFICIAL USE

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ECOSOC NOR THE GA WAS PRECLUDED FROM CONSIDERING OR TAKING ACTION ON ANY OF THE IDEAS OR PROPOSALS FORWARDED TO THE WORKING GROUP ON THE OVERALL ANALYSIS. THE USSR EVEN STATED THAT ANY MEMBER STATE WAS FREE TO BRING UP ANY SUBJECT IN ANY BODY, WHENEVER IT WISHED. THE COMMISSION WAS NOT, HOWEVER, IN A MOOD FOR ACCEPTING AMENDMENTS AND RISKING A RE-OPENING OF THE DEBATE ON THE WORKING GROUP'S REPORT AND THE ANNEXED RESOLUTION. THE JORDANIAN CHAIRMAN OF THE WORKING GROUP AND THE COMMISSION CHAIRMAN M'BAYE THEREFORE URGED THAT THE U.S. NOT PRESS THE AMENDMENT TO A VOTE AND ACCEPT INSTEAD A STATEMENT OF UNDERSTANDING BY THE CHAIRMAN OF THE WORKING GROUP TO BE READ INTO THE RECORD AND INCLUDED IN THE COMMISSION'S REPORT. USDEL ACCEPTED THIS FORMULA WHICH GIVES US THE NECESSARY LATITUDE TO RAISE THE ISSUE OF THE HIGH COMMISSIONER AT A TIME WE DEEM APPROPRIATE. THE CHAIRMAN'S STATEMENT IS AS FOLLOWS: QUOTE. AS CHAIRMAN-RAPPORTEUR OF THE WORKING GROUP IT IS MY UNDERSTANDING THAT ADOPTION BY THE COMMISSION OF THE WORKING GROUP'S REPORT AND ITS RECOMMENDED DRAFT RESOLUTIONS CANNOT PRECLUDE CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL OR THE GENERAL ASSEMBLY AT ANY TIME OF

THE VIEWS, SUGGESTIONS AND PROPOSALS EXPRESSED OR SUBMITTED AT THE 34TH SESSION OF THE COMMISSION ON HUMAN RIGHTS, AND THIS STATEMENT SHOULD BE INCLUDED FULLY IN THE REPORT OF THE 34TH SESSION. UNQUOTE.

5. WE FEEL THAT THIS STATEMENT OF UNDERSTANDING CONSTITUTES SUFFICIENT PROTECTION AGAINST ANY POSSIBLE ARGUMENTS THAT THE PROPOSALS SUCH AS THE HIGH COMMISSIONER, OR THE PROPOSAL FOR TWO ANNUAL SESSIONS OF THE COMMISSION CANNOT BE ACTED UPON BY THE ECOSOC OR THE GA UNTIL THE HUMAN RIGHTS COMMISSION COMPLETES THAT OVERALL ANALYSIS. AT THIS POINT THE MAIN OBSTACLE TO ACTION ON THE HIGH

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COMMISSIONER PROPOSAL IS SIMPLY THE LACK OF VOTES.

6. WITH RESPECT TO THE TIMING OF THE MEETING OF THE WORKING GROUP ON THE OVERALL ANALYSIS, ONLY THE U.S. AND UK FAVORED A MEETING PRIOR TO THE GA. AFRICAN DELEGATIONS ARGUED IT WOULD BE A HARDSHIP FOR THEM TO SEND DELEGATIONS TO A SECOND MEETING THIS YEAR BECAUSE OF LACK OF PERSONNEL AND FINANCIAL RESOURCES. THESE SAME ARGUMENTS WERE ADVANCED WITH RESPECT TO THE PROPOSAL FOR TWO ANNUAL SESSIONS OF THE COMMISSION. OTHER DELEGATIONS FELT THAT THIS YEAR'S CALENDAR OF CONFERENCES WAS ALREADY HOPELESSLY OVERCROWDED AND ANOTHER MEETING PRIOR TO THE GA WOULD BE DIFFICULT TO SCHEDULE AND WOULD OVERLAP WITH OTHER MEETINGS, CAUSING DIFFICULTY FOR SMALL DELEGATIONS TO ATTEND. OTHERS ARGUED THAT A MEETING JUST PRIOR TO THE GA DID NOT GIVE GOVERNMENTS SUFFICIENT TIME TO PREPARE.

7. BEGIN TEXT OF RESOLUTION.

THE COMMISSION ON HUMAN RIGHTS,

NOTING GENERAL ASSEMBLY RESOLUTION 32/130,
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BEARING IN MIND THAT THE OVER-ALL ANALYSIS CALLED FOR IN
THE ABOVE-MENTIONED RESOLUTION MUST BE A CONTINUOUS AND
ON-GOING PROCESS WHICH SHOULD RESPOND TO EVOLUTION IN
NORMS AND REQUIREMENTS IN THE FIELD OF HUMAN RIGHTS,

RECALLING ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1992 (LX)
AND COMMISSION DECISION 4 (XXXIII),

1. DECIDES TO CONTINUE AT ITS THIRTY-FIFTH SESSION, AS
A MATTER OF PRIORITY, THE WORK ON THE OVER-ALL ANALYSIS
OF THE ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN
THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE
ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN THE
LIGHT OF THE CONCEPTS CONTAINED IN GENERAL ASSEMBLY
RESOLUTION 32/130;

2. CONSIDERS IT ADVISABLE TO SET UP AN OPEN-ENDED WORKING
GROUP WHICH WILL MEET FOR A WEEK IMMEDIATELY BEFORE THE
THIRTY-FIFTH SESSION OF THE COMMISSION TO UNDERTAKE THE
NECESSARY WORK RELATING TO THIS ANALYSIS AND TO REPORT TO
THE COMMISSION WITH ITS CONCLUSIONS AND RECOMMENDATIONS;

3. REQUESTS THE SECRETARY-GENERAL:

(A) TO INVITE THE SPECIALIZED AGENCIES AND OTHER UNITED
NATIONS ORGANS IN THE FIELD OF HUMAN RIGHTS CONCERNED TO
SUPPLY INFORMATION ON THOSE MEASURES, WITHIN THEIR
RESPECTIVE AREAS OF COMPETENCE, ALREADY TAKEN OR TO BE
TAKEN IN FUTURE, WHICH WOULD TRANSLATE THE CONCEPTS OF
GENERAL ASSEMBLY RESOLUTION 32/130 INTO PRACTICAL TERMS;

(B) TO CIRCULATE THE REPORT OF THE COMMISSION ON THE
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WORK DONE ON AGENDA ITEM 11 AT ITS THIRTY-FOURTH SESSION
TO MEMBER STATES, SPECIALIZED AGENCIES, OTHER ORGANS
WITHIN THE UNITED NATIONS SYSTEM AND THE RELEVANT NON-
GOVERNMENTAL ORGANIZATIONS AND TO INVITE THEIR COMMENTS

THEREON, FOR SUBMISSION BY 31 OCTOBER 1978;

(C) TO PREPARE, IN TIME FOR THE MEETING OF THE ABOVE-MENTIONED WORKING GROUP, REPORTS WHICH WOULD INCLUDE:

(I) THE INFORMATION SUPPLIED UNDER SUB-PARAGRAPH (A);

(II) INFORMATION RELATING TO THE WORK PROGRAMMES, SCHEDULES AND TERMS OF REFERENCE OF UNITED NATIONS BODIES CONCERNED WITH HUMAN RIGHTS, OTHER THAN THE COMMISSION ON HUMAN RIGHTS, OVER WHICH THE ECONOMIC AND SOCIAL COUNCIL HAS JURISDICTION;

(III) THE VIEWS, SUGGESTIONS AND PROPOSALS EXPRESSED OR SUBMITTED AT THE THIRTY-FOURTH SESSION OF THE COMMISSION IN RELATION BOTH TO THE MANDATE OF THE WORKING GROUP SET UP UNDER COMMISSION DECISION 4 (XXXIII) AND TO THE OVERALL ANALYSIS ASKED FOR BY GENERAL ASSEMBLY RESOLUTION 32/130;

(IV) ALL APPROPRIATE DOCUMENTS TRANSMITTED TO THE COMMISSION AT ITS THIRTY-FOURTH SESSION;

4. RECOMMENDS TO THE ECONOMIC AND SOCIAL COUNCIL THE FOLLOWING DRAFT DECISION:
THE ECONOMIC AND SOCIAL COUNCIL, NOTING COMMISSION ON HUMAN RIGHTS RESOLUTION (BLANK) (XXXIV), AUTHORIZES THE CONVENING OF AN OPEN-ENDED WORKING GROUP OF THE COMMISSION

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ON HUMAN RIGHTS TO MEET FOR ONE WEEK IMMEDIATELY PRIOR

TO THE COMMISSION'S THIRTY-FIFTH SESSION TO CONTINUE
THE CONSIDERATION OF MATTERS MENTIONED IN DECISION 4
(XXXIII) AS WELL AS THOSE REFERRED TO THE COMMISSION BY
GENERAL ASSEMBLY RESOLUTION 32/130.

5. REQUESTS THE SECRETARY-GENERAL TO BRING THE PRESENT
RESOLUTION AND THE RELEVANT CHAPTER OF THE REPORT OF THE
COMMISSION ON ITS THIRTY-FOURTH SESSION TO THE NOTICE OF
THE GENERAL ASSEMBLY. VANDEN HEUVEL

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